

TRUEB & BEARD, LLC  
330 L STREET  
ANCHORAGE, ALASKA 99501  
PHONE (907) 277-0161  
FAX (907) 277-0164

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JEREMY BATTEN,

Plaintiff,

v.

SHELFORD'S BOAT LTD.

Defendant.

AT LAW AND IN ADMIRALTY

No.

COMPLAINT FOR MARITIME  
PERSONAL INJURIES

JURY DEMAND

**ACTION UNDER SPECIAL RULE FOR SEAMEN TO SUE WITHOUT SECURITY  
AND PREPAYMENT OF COSTS  
(28 U.S.C. §1916)**

Plaintiff Jeremy Batten, through counsel Trueb & Beard, LLC, alleges the following  
causes of action against Defendant Shelford's Boat Ltd.

**PARTIES**

1. At all relevant times, Plaintiff Jeremy Batten was a resident of Dutch Harbor,  
Alaska.

Complaint for Maritime Personal Injuries  
*Batten v. Shelford's Boat*

Trueb & Beard, LLC  
330 L Street, Suite 101  
Anchorage, AK 99501  
Phone: 907-277-0161

2. At all relevant times and on information and belief, Defendant Shelford's Boat Ltd. was a limited entity organized and/or incorporated in Everett, Washington with its principal place of business in Everett, Washington and doing business in Alaska. On information and belief, and as per the ALEUTIAN LADY's U.S. Coast Guard Certificate of Documentation, at all relevant times, Defendant Shelford's Boat Ltd. was the owner, owner pro hac vice, operator, charterer, and/or controller of the ALEUTIAN LADY.

### JURISDICTION & VENUE

3. This is an action within the admiralty and maritime jurisdiction of this Court brought at law and in admiralty, as hereinafter more fully appears, pursuant to §33 of the Merchant Marine Act of 1920, presently found at 46 U.S.C. § 30104 (Jones Act), and/or general maritime law. Plaintiff elects to try his claims at law before a jury. For the reasons noted more fully below, both jurisdiction and venue are appropriate before this Court.

4. While employed as a Jones Act seaman, Plaintiff became ill and was injured aboard a vessel on navigable waters of the United States of America.

5. Per the terms of Plaintiff's employment contract with Defendant, "Crew Member [Plaintiff] and the Company [Defendant] agree that the exclusive venue for any lawsuit... shall be in the State Courts in Snohomish County, Washington or the Federal Court for the Western District of Washington." Venue is therefore proper in this court.

6. Plaintiff's injuries and illness occurred in or around January 2022. Per 46 U.S.C. § 30106, Plaintiff's claims are timely filed.

### FACTUAL ALLEGATIONS

7. Plaintiff hereby realleges and incorporates Paragraphs 1-6.

Complaint for Maritime Personal Injuries  
*Batten v. Shelford's Boat*

Trueb & Beard, LLC  
 330 L Street, Suite 101  
 Anchorage, AK 99501  
 Phone: 907-277-0161

1           8.       On or about January 7, 2022, Defendant contacted Plaintiff to offer him work as a  
2 deckhand on the ALEUTIAN LADY. Plaintiff disclosed to Rick Shelford, captain of the  
3 ALEUTIAN LADY, that he was suffering from apparent kidney stones and back pain secondary  
4 to the apparent kidney stones. Defendant hired Plaintiff shortly thereafter.

5           9.       On or about January 14, 2022, the ALEUTIAN LADY left port in Dutch Harbor,  
6 Alaska for a cod pot fishery. Defendant did not present and Plaintiff did not sign any  
7 employment contract, health questionnaire, or other employment papers until after Defendant  
8 offered Plaintiff a job, Defendant hired Plaintiff, the vessel departed Dutch Harbor underway to  
9 the fishing grounds, and Plaintiff had already done work in service of the vessel.

10          10.       While working in service of the ALEUTIAN LADY, Plaintiff became  
11 incapacitated by back pain. Plaintiff remained on the vessel for several days in extreme pain  
12 during which he was largely confined to his bunk.

13          11.       After returning to port in Dutch Harbor, Plaintiff sought medical treatment for his  
14 back pain. On or about January 21, 2022, Plaintiff was admitted to Providence Alaska Medical  
15 Center in Anchorage. He was hospitalized for 47-days followed by additional outpatient  
16 treatment. Plaintiff's medical care providers eventually diagnosed Plaintiff with a systemic  
17 infection and associated infectious conditions including osteomyelitis, discitis, facet joint septic  
18 arthritis, and intramuscular abscesses.

19          12.       Pursuant to its obligation under general maritime law to tender the maritime  
20 benefit of cure, Defendant (a) informed Plaintiff that it would pay for his medical bills related to  
21 his injuries and illness that occurred on the ALEUTIAN LADY; (b) acknowledged its obligation  
22 to provide cure; and (c) stated that it is paying and is not withholding cure.

23 Complaint for Maritime Personal Injuries  
24 *Batten v. Shelford's Boat*

Trueb & Beard, LLC  
330 L Street, Suite 101  
Anchorage, AK 99501  
Phone: 907-277-0161

1           13. Defendant agreed to pay Plaintiff the maritime benefit of maintenance and has  
2 paid maintenance since March 2022.

3           14. Defendant has nonetheless unreasonably, intentionally, willfully, and callously  
4 refused to provide cure for Plaintiff's vessel injuries and illness.

5                   **COUNT I: MAINTENANCE, CURE, & UNEARNED WAGES**

6           15. Plaintiff hereby realleges and incorporates Paragraphs 1-14.

7           16. A vessel employer owes all seamen who become ill or injured in service of the  
8 vessel the no-fault maritime obligations of maintenance, cure, and unearned wages.

9           17. The vessel employer's obligation to pay maintenance, cure, and unearned wages  
10 is the most pervasive of all the obligations owed a seaman.

11           18. Defendant was Plaintiff's vessel employer.

12           19. Defendant owed a duty to pay Plaintiff maintenance, cure, and unearned wages  
13 for Plaintiff's injuries and illness that occurred in service of the ALEUTIAN LADY.

14           20. After Plaintiff suffered his injuries and illness in service of the ALEUTIAN  
15 LADY, Defendant failed to pay plaintiff all maintenance, cure, and unearned wages owed.

16           21. Plaintiff claims herein all past and future maintenance and cure to which he is  
17 entitled and his unearned wages, all in an amount to be determined at trial.

18                   **COUNT II: JONES ACT CLAIM FOR FAILURE TO PAY MAINTENANCE & CURE**

19           22. Plaintiff hereby realleges and incorporates Paragraphs 1-21.

20           23. At all relevant times, Defendant was Plaintiff's Jones Act employer and Plaintiff  
21 was employed as a Jones Act seaman in service of the ALEUTIAN LADY.

22  
23 Complaint for Maritime Personal Injuries  
24 *Batten v. Shelford's Boat*

Trueb & Beard, LLC  
330 L Street, Suite 101  
Anchorage, AK 99501  
Phone: 907-277-0161

24. After Plaintiff's injuries and illness in service of the ALEUTIAN LADY, Defendant had a duty to provide Plaintiff the no-fault maritime benefits of maintenance and cure and to pay him unearned wages.

25. Defendant breached said duties in Paragraph 24 by unreasonably and knowingly refusing to pay maintenance, cure, and/or unearned wages. Defendant's breach gives rise to claims for consequential and/or compensatory damages under the Jones Act.

26. Due to Defendant's refusal to provide cure, Plaintiff is unable to pursue the recommended course of treatment for his vessel injuries and illness, including a two-day lumbar and sacral surgery and other therapeutic and curative treatment necessitated by his infection and infectious conditions.

27. As a direct legal and proximate cause of Defendant Shelford's Boat's intentional failure to pay maintenance and cure, Plaintiff suffered damages including, but not limited to the following: (a) Plaintiff has been and will continue to be prevented from pursuing his regular occupation, thereby suffering lost income and/or earning capacity; (b) Plaintiff has experienced and will continue to experience substantial pain, suffering, and loss of enjoyment of life; (c) Plaintiff has and will continue to suffer from physical disfigurement and disability; (d) Plaintiff has and will continue to suffer from mental anguish and emotional distress caused by his pain and functional limitations; (e) Plaintiff has incurred and will in the future incur reasonable and necessary medical expenses, including but not limited to physician fees and medication, medical device, and life care costs; (f) Plaintiff may have suffered other damages to be proven more definitely at trial.

Complaint for Maritime Personal Injuries  
*Batten v. Shelford's Boat*

Trueb & Beard, LLC  
 330 L Street, Suite 101  
 Anchorage, AK 99501  
 Phone: 907-277-0161

28. As a result of Defendant's actions in refusing to pay Plaintiff's maintenance, cure, and unearned wages, Plaintiff is entitled to (a) past and future maintenance and cure from the date he disembarked the ALEUTIAN LADY on or about January 21, 2022 until such time that Plaintiff reaches maximum medical improvement for his vessel injuries and illness; (b) unearned wages for the duration of his contract of employment on the ALEUTIAN LADY; and (c) consequential and/or compensatory damages.

### COUNT III: PUNITIVE DAMAGES

29. Plaintiff hereby realleges and incorporates Paragraphs 1-28.

30. Defendant informed Plaintiff that Defendant would pay and/or was paying maintenance and cure for his vessel injuries and illness, acknowledged its obligation to provide maintenance and cure, stated that it has not withheld maintenance and cure, and has paid maintenance since March 2022.

31. Defendant has nonetheless refused to pay cure for Plaintiff's injuries and illness that occurred in service of the ALEUTIAN LADY.

32. Defendant's actions in refusing to pay, failing to pay, and/or withholding maintenance and cure were and are, willful, callous, arbitrary and capricious and in total disregard of Plaintiff's health and wellbeing.

33. As a result of Defendant's actions, Plaintiff is entitled to attorney's fees and punitive damages.

### COUNT IV: UNSEAWORTHINESS

34. Plaintiff hereby realleges and incorporates Paragraphs 1-33.

Complaint for Maritime Personal Injuries  
*Batten v. Shelford's Boat*

Trueb & Beard, LLC  
330 L Street, Suite 101  
Anchorage, AK 99501  
Phone: 907-277-0161

35. As the owner of the ALEUTIAN LADY, Defendant owed all seaman working aboard the vessel the strict liability warranty and duty to provide a seaworthy vessel, including its equipment and appurtenances, that was reasonably fit for its intended purpose.

36. Defendant breached said duty and warranty in Paragraph 35 by, without limit, failing to develop, implement, and provide a medical care plan, policies and procedures for contacting medical care providers or facilities for sick or injured crew, and/or policies and procedures for getting sick or injured crew to a medical care facility.

37. As a direct legal and proximate cause of the unseaworthy condition of the ALEUTIAN LADY, Plaintiff suffered damages including, but not limited to the following: (a) Plaintiff has experienced and will continue to experience substantial pain, suffering, and loss of enjoyment of life; (b) Plaintiff has and will continue to suffer from physical disfigurement and disability; (c) Plaintiff has and will continue to suffer from mental anguish and emotional distress caused by his pain and functional limitations; (d) Plaintiff has incurred and will in the future incur reasonable and necessary medical expenses, including but not limited to physician fees and medication, medical device, and life care costs; (e) Plaintiff may have suffered other damages to be proven more definitely at trial. Plaintiff's damages are in excess of One Million Dollars (\$1,000,000.00), to be proven more definitely at trial.

38. Plaintiff was not comparatively at fault for his injuries.

#### COUNT V: JONES ACT NEGLIGENCE

39. Plaintiff hereby realleges and incorporates Paragraphs 1-38.

40. As Plaintiff's vessel employer under the Jones Act, Defendant's had a duty to provide Plaintiff prompt and adequate medical care.

Complaint for Maritime Personal Injuries  
*Batten v. Shelford's Boat*

Trueb & Beard, LLC  
330 L Street, Suite 101  
Anchorage, AK 99501  
Phone: 907-277-0161

TRUEB & BEARD, LLC  
 330 L STREET  
 ANCHORAGE, ALASKA 99501  
 PHONE (907) 277-0161  
 FAX (907) 277-0164

41. Defendants breached said duty in Paragraph 36 by, without limit, (a) failing to timely obtain medical care for Plaintiff and keeping Plaintiff on the vessel for several days after he became incapacitated by pain; and (b) to the extent that the ALEUTIAN LADY had in place the plans, policies, and procedures identified in Paragraph 36, failing to enforce or follow a medical care plan, policies and procedures for contacting medical care providers or facilities, and/or policies and procedures for getting sick or injured crew to a medical care facility.

42. As a direct legal and proximate cause of Defendant's Jones Act negligence, Plaintiff suffered damages including, but not limited to the following: (a) Plaintiff has experienced and will continue to experience substantial pain, suffering, and loss of enjoyment of life; (b) Plaintiff has and will continue to suffer from physical disfigurement and disability; (c) Plaintiff has and will continue to suffer from mental anguish and emotional distress caused by his pain and functional limitations; (d) Plaintiff has incurred and will in the future incur reasonable and necessary medical expenses, including but not limited to physician fees and medication, medical device, and life care costs; (e) Plaintiff may have suffered other damages to be proven more definitely at trial. Plaintiff's damages are in excess of One Million Dollars (\$1,000,000.00), to be proven more definitely at trial.

43. Plaintiff was not comparatively at fault for his injuries.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays this Court to hear his just cause of action, and that this Court require Defendant to answer his just cause of action, and that he be awarded judgment against Defendant as follows:

1. That Plaintiff be awarded past and future maintenance, cure, and unearned wages.

Complaint for Maritime Personal Injuries  
*Batten v. Shelford's Boat*

Trueb & Beard, LLC  
 330 L Street, Suite 101  
 Anchorage, AK 99501  
 Phone: 907-277-0161



2. That Plaintiff be awarded consequential and/or compensatory damages in a sum in excess of \$1,000,000.00.

3. That Plaintiff be awarded exemplary/punitive damages in a sum in excess of \$1,000,000.00.

4. That Plaintiff be awarded his actual attorney's fees, prejudgment interest, post-judgment interest, costs, and any other relief in law or equity to which plaintiff is shown to be entitled.

DATED this 19<sup>th</sup> day of October, 2022.

TRUEB & BEARD, LLC  
Attorneys for Plaintiff

By: /s/ Lanning M. Trueb  
Lanning M. Trueb, WSB No. 31389  
330 L Street, Suite 101  
Anchorage, AK 99501  
Phone: (907) 277-0161  
Fax: (907) 277-0164  
Email : Lmtrueb@msn.com

TRUEB & BEARD, LLC  
330 L STREET  
ANCHORAGE, ALASKA 99501  
PHONE (907) 277-0161  
FAX (907) 277-0164

Complaint for Maritime Personal Injuries  
*Batten v. Shelford's Boat*

Trueb & Beard, LLC  
330 L Street, Suite 101  
Anchorage, AK 99501  
Phone: 907-277-0161